

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

NO. 05-11594-RCL

**GERALDINE FAVALORO, for herself
and on behalf of all others similarly
situated,
Plaintiff**

v.

**PRESIDENT AND FELLOWS OF
HARVARD COLLEGE, BAYVIEW
CREMATORY, LLC, a New Hampshire
Limited Liability Company, LINDA
STOKES, Trustee of the Dekes
Realty Trust of 107 South Broadway,
Lawrence, Massachusetts, and JOHN
J. GENTILE**

**DEFENDANT, LINDA STOKES, AS TRUSTEE OF THE DEKES REALTY
TRUST OF 107 SOUTH BROADWAY, LAWRENCE, MASSACHUSETTS',
PARTIAL JOINDER IN HARVARD COLLEGE'S MOTION TO DISMISS**

Defendant, Linda Stokes, as Trustee of the Dekes Realty Trust of 107 South Broadway, Lawrence, Massachusetts, ("Stokes") hereby partially joins in the Motion to Dismiss filed by the President and Fellows of Harvard College ("Harvard's Motion"). More particularly, Stokes joins in, and adopts, the argument set forth in Section II,C,2,b of Harvard's Motion. See, Harvard's Motion, pp. 14-19.

The plaintiff, Geraldine Favaloro, does not allege that her decedent's remains were mishandled. Therefore, as a matter of law, she fails to state a claim for intentional or negligent infliction of emotional distress.

WHEREFORE, Linda Stokes, as Trustee of the Dekes Realty Trust of 107 South Broadway, Lawrence, Massachusetts, requests this Court to dismiss

plaintiff's common law claims against her for the alleged intentional and negligent infliction of emotional distress.

Respectfully submitted,
Defendant, Linda Stokes, Trustee
of the Dekes Realty Trust of 107
South Broadway, Lawrence,
Massachusetts,

By: **CLARK, HUNT & EMBRY**

/s/ William F. Ahern, Jr.

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Mandi Jo Hanneke (657349)
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/s/ Mandi Jo Hanneke

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Dated: August 26, 2005

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of August, 2005, a true and correct copy of this Motion to Dismiss of Defendant, Linda Stokes, as Trustee of the Dekes Realty Trust of 107 South Broadway, Lawrence, Massachusetts, was served on all counsel of record in this matter.

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I also certify that courtesy copies were served on the following counsel:

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_____/s/ Mandi Jo Hanneke_____
Mandi Jo Hanneke